



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,599	02/04/2005	Franz-Josef Behler	HOEG-1020	1350
20028	7590	01/09/2008		
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			EXAMINER ROST, ANDREW J	
			ART UNIT	PAPER NUMBER
			3753	
			MAIL DATE	DELIVERY MODE
			01/09/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/523,599

Applicant(s)

BEHLER ET AL.

Examiner

Andrew J. Rost

Art Unit

3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to the amendment filed 10/15/2007. Claims, 1-3 have been currently amended. Claims 5-8 have been canceled. No claims have been newly added. Presently, claims 1-4 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over McAuliffe (696,183) in view of Martin (2,266,609).

Regarding claim 1, McAuliffe discloses an assembly having a container wall (a) having a ring-shaped neck section (vertical portion of a) and a flange-like edge (horizontal portion of a that secures container a to flange b), a body part (c) having a collar (horizontal extension) and a cylindrical section (c¹) that is inserted into the ring-shaped-neck section and an end (end portion of the cylindrical section) wherein the cylindrical section is provided between the collar and the end with a taper (fig. 2) and a sealing module (d) having a circular disc shaped seal portion (d¹) being clamped between the flange-like edge and the collar, a cylindrical seal portion (portion of the sealing module between the circular disc shaped seal portion and the end portion d³) wherein the cylindrical seal portion provides a seal between the cylindrical section (c¹)

and the ring-shaped neck section and a reinforcement area (d^3) that provides an increased sealing area. McAuliffe does not disclose the use of enameling for the container. However, Martin teaches the use of enameling in the construction of containers in order to prevent corrosion (col. 1, lines 5-6). Therefore, it would have been obvious To one of ordinary skill in the art at the time the invention was made to provide the container of McAuliffe with a coating of enamel as taught by Martin in order to provide of better corrosion resistance.

4. Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over McAuliffe in view of Martin and further in view of Auzureau (5,988,423).

McAuliffe in view of Martin disclose an assembly having a ring-shaped neck section, a flange part and a sealing module between the ring-shaped neck section and the flange part. McAuliffe in view of Martin do not disclose the sealing module folding a free end of the sealing module around a replaceable sealing element or having the free end of the sealing module having a corrugated terminal section. However, Auzureau teaches the use of a corrugated terminal section (Fig. 2a, 2b) and the use of a sealing module having a free end folding around a sealing element (Fig. 4a, 4b, 5a, 5b) for the purpose of providing a hermetic seal necessary for the proper preservation of different products in a container (col. 4, lines 7-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to fold a free end of the sealing module around a sealing element or to corrugate the free end of the sealing

module of McAuliffe in view of Martin as taught by Auzureau in order to provide a hermetic seal necessary for the proper preservation of different products.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over McAuliffe in view of Martin and further in view of Kieper (5,785,074).

McAuliffe in view of Martin disclose an assembly having a ring-shaped neck section, a flange part and a sealing module between the ring-shaped neck section and the flange part. McAuliffe in view of Martin do not expressly disclose the construction of the sealing module of polytetrafluoroethylene. However, Kieper teaches the use of Teflon (trade name for polytetrafluoroethylene) for a seal member (col. 6, lines 21-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to produce the sealing module of McAuliffe in view of Martin of polytetrafluoroethylene as taught by Kieper in order to increase the seal life.

Response to Arguments

6. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew J. Rost whose telephone number is 571-272-2711. The examiner can normally be reached on 7:00 - 4:30 M-Th and 7:00 - 12:00 Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3753

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AJR *JSK* 4 JANUARY 2008


JOHN RIVELL
PRIMARY EXAMINER
ART UNIT 347